

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants : Gerald Fagerness et al.  
Serial No. : 10/625,954  
Filed : July 24, 2003  
For : METHODS AND APPARATUS FOR INDEXING MEMORY OF  
A NETWORK PROCESSOR  
Examiner : Robert C. Scheibel  
Group Art Unit : 2619

Mail Stop Reply Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Dear Sir:

In response to the Examiner's Answer mailed June 10, 2008, this Reply Brief is respectfully submitted. For the reasons more fully set forth below, it is maintained that the remaining final rejections of claims 1-19 should be reversed.

STATUS OF THE CLAIMS

Claims 1-19 have been rejected and are on appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection for review are:

(A) the rejection of independent claims 1 and 11 under 35 U.S.C. § 103(a) as being obvious over the combination of U.S. Patent 5,414,701 to Shtayer et al. [hereinafter *Shtayer*] and U.S. Patent No. 6,356,552 to Foglar [hereinafter *Foglar*]; and

(B) the rejection of independent claims 16 and 18 under 35 U.S.C. § 102(b) as being anticipated by *Shtayer*.

ARGUMENT

A. The Rejection of Independent Claims 1 and 11 under 35 U.S.C. § 103(a) should be reversed because it is based on an erroneous application of the secondary citation to *Foglar* and the asserted combination is deficient.

At line 17 of page 11, the Examiner's Answer opines that "Applicant has deleted portions of the citation which are material to his argument." Applicants' Appeal Brief states:

Specifically, *Foglar* teaches that the PN value is shortened to P bits, which value "P" is expressly defined by *Foglar* to represent "the number of lines or termination units ... with which an ATM unit is connected. (*Foglar*, Col. 7, lines 15-38).

Applicants do not appreciate how this quotation rises to a level of "deleting portions... material to his [sic] argument."

Applicants respectfully note lines 24-27 of *Foglar* which state:

**"The aforementioned value P is a second configuration parameter, which represents the number of lines or termination units (PHYs) with which the applicable ATM unit is connected."**  
(emphasis added).

Applicants respectfully maintain that *Foglar's* discussion of P bits does not disclose "a number of bits of a port number" as recited in independent claims 1 and 11. Accordingly, withdrawal of the rejection is respectfully requested.

B. The Rejection of Independent Claims 16 and 18 under 35 U.S.C. § 102(b) should be reversed because it is based on an erroneous interpretation of *Shtayer*

At line 4 of page 13, the Examiner's Answer admits that "Shtayer does not go into a lot of detail about this 'Internal' property of the link table as it is not the novelty of his invention." Applicants respectfully note that this under-

detailed notation is what the Examiner relies upon in contending that *Shtayer* discloses accessing one of a plurality of entries stored in a first on-chip memory..., as recited in claim 16 for example. The Examiner goes on to opine that "it is evident to one of ordinary skill in the art that this is taken to mean the location of the table (i.e. "Internal" to the processing device.)" Applicants note the lack of an affidavit by the Examiner to this effect or any evidence of record supporting this unsupported contention.

Applicants respectfully maintain that the Examiner has not met his burden of showing that *Shtayer* discloses each and every claim feature, including accessing one of a plurality of entries stored in a first on-chip memory..., as recited in claim 16 for example. Accordingly, withdrawal of the rejection is respectfully requested.

### **C. Conclusion**

For all of the above noted reasons, it is strongly contended that the claimed subject matter is patentable over the references relied upon in the Examiner's rejections of the claims. Appellants/Applicants therefore respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 1-26.

Appellants/Applicants do not believe any fees are due for the filing of this Reply Brief. However, if any such fees are required, please charge Deposit Account No. 04-1696 any required fee.

Respectfully Submitted,



Dated: August 11, 2008  
Hawthorne, New York

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